

(2021-139)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

SCHERLY AMY AGUILAR NIETO	§	
	§	CIVIL ACTION NO. _____
VS.	§	
	§	
EFT EXPRESS SA DE CV and CELESTINO	§	
RODRIGUEZ GARCIA	§	JURY DEMANDED

NOTICE OF REMOVAL

Defendants, EFT EXPRESS SA DE CV and CELESTINO RODRIGUEZ GARCIA file this Notice of Removal to the United States District Court for the Southern District of Texas, Laredo Division, pursuant to 28 U.S.C. §1441, based on the following facts, which show that this case is properly removable:

PROCEDURAL BACKGROUND

1. On June 8, 2021, Plaintiff commenced an action in the 111th District Court of Webb County, Cause No. 2021CVA001066D2, styled Scherly Amy Aguilar Nieto v EFT Express SA de CV and Celestino Rodriguez Garcia. Plaintiff alleges Defendants are liable for negligence under a general liability theory.

2. On June 24, 2021; Defendant EFT Express SA de CV was served via a process server. Defendant Celestino Rodriguez Garcia has not been served.

3. Defendants' Notice of Removal is timely as it is filed within 30 days of actual or constructive receipt of Plaintiff's Original Petition. 28 U.S.C. § 1446(b).

4. At the time suit was filed, and continuing to the present, this Court had, and still has, original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). There is

complete diversity of citizenship between Plaintiff and Defendants. There are no statutory bars against removal to the United States District Court, Southern District of Texas.

5. The amount in controversy exceeds \$75,000.00, exclusive of interests and costs. See Pet., Paragraph I.I.

PARTIES

6. At the time Plaintiff's Original Petition was filed and continuing to the present, Plaintiff is alleged to be a citizen of, and domiciled in, the State of Texas. *See* Pet. Para. II.

7. At the time Plaintiff's Original Petition was filed and continuing to the present, Defendant, EFT Express SA de CV was and still is a Mexican Corporation with a principal place of business in Neuvo Laredo, Tamaulipas, Mexico.

8. There is complete diversity between the parties.

9. A copy of this Notice of Removal was filed with the clerk of the State Court in which the original action was filed, as required by law.

10. Pursuant to Local Rules 3 and 81, this Notice of Removal is accompanied by a Civil Cover Sheet and copies of the following attached documents:

- a. Pleadings asserting causes of action (Exhibit A);
- b. All orders signed by the State Judge (Exhibit B)
- c. The state court docket sheet at the time of removal (Exhibit C);
- d. An index of matters being filed (Exhibit D);
- e. A list of all attorneys, including their addresses, telephone numbers, and the parties they represent (Exhibit E);

PRAYER

For these reasons, Defendants, EFT EXPRESS SA DE CV and CELESTINO RODRIGUEZ GARCIA request that the Court take jurisdiction of this action to its conclusion and final judgment,

to the exclusion of any further proceedings in State Court, in accordance with law.

Dated July 23, 2021.

Respectfully submitted,

“/s/” Anthony B. James

Anthony B. James, Attorney in Charge
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Federal I.D. No. 3785

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing, Notice of Removal has been served on the 23rd day of July, 2021 to all attorneys of record as follows:

Email: eservice@mcfirm.com
Jeffrey J. Tom
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Attorneys for Plaintiff

“/s/” Anthony B. James

Anthony B. James